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June 24, 2009

**VIA ECFS**

Ms. Marlene H. Dortch, Secretary  
Attn: The Hon. Richard L. Sippel, Chief Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: *Herring Broadcasting, Inc. d/b/a WealthTV v. Time Warner Cable Inc., et al.*  
MB Docket No. 08-214, CSR-7709-P, et al.**

Dear Ms. Dortch:

Pursuant to the Order (FCC 09M-38) issued by Chief Administrative Law Judge Richard L. Sippel on May 4, 2009, enclosed please find a "Glossary" submitted jointly on behalf of Complainant Herring Broadcasting, Inc. d/b/a WealthTV and Defendants Time Warner Cable Inc., Bright House Networks, LLC, Comcast Corporation, and Cox Communications, Inc. in connection with the above-referenced proceedings.

Kindly direct any questions regarding this matter to the undersigned.

Very truly yours,

A handwritten signature in cursive script that reads "Arthur H. Harding".

Arthur H. Harding  
*Counsel for Time Warner Cable Inc.*

Encl.  
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## **GLOSSARY**

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(Capitalized terms used within a definition are defined elsewhere in this Glossary)

<b>1992 Cable Act</b>	Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).
<b>A La Carte Service</b>	A Video Programming Network offered by an MVPD for purchase by subscribers on a stand-alone, per-channel basis, rather than as part of a Tier.
<b>Affiliate or Affiliated</b>	In the video programming context, a term used to describe MVPDs that have agreed to carry a particular Video Programming Network ( <i>e.g.</i> , Comcast, TWC, Cox and BHN are “affiliates” of ESPN). In the corporate context, a term used to describe entities that are related through a common ownership interest ( <i>e.g.</i> , prior to the spin-off, Time Warner Cable was “affiliated” with Time Warner Inc.). For purposes of the program carriage rules, “Affiliated” is defined in 47 C.F.R. § 76.1300(a).
<b>Affiliate Sales</b>	The employees and department of a Video Programming Network responsible for securing carriage of that network by MVPDs.
<b>Affiliation Agreement</b>	Also known as “Carriage Agreement.” An agreement or contract typically granting a license for a Video Programming Network to be distributed (or carried) by an MVPD.
<b>ALJ</b>	Administrative Law Judge
<b>Analog</b>	Technology originally designed for transmitting a person’s voice ( <i>e.g.</i> , telephones) where signals are transmitted as continuous electromagnetic waves. Analog broadcast signals consist of modulated radio frequency transmitted over the air; cable systems distribute analog video signals in the form of modulated radio frequency transmitted through a closed transmission path such as coaxial cable or fiber optic cable. Interference or signal ingress during cable transmission, and the accumulation of “noise” as signals are amplified over the course of transmission, can result in reduced picture quality for analog signals. Compare <i>Digital</i> .
<b>AT&amp;T U-verse</b>	An MVPD service provided by AT&T Inc.

<b>Bandwidth</b>	The amount of electromagnetic spectrum available on a cable system for delivery of video, voice and data. A linear analog channel typically occupies 6 MHz of bandwidth on a cable system. A high-definition digital channel may occupy one-third of that amount. A standard-definition digital channel occupies approximately one-tenth of the amount of bandwidth occupied by an analog channel. A typical large cable system contains approximately 750-860 MHz of bandwidth, although some smaller systems may have as little as 270-330 MHz of bandwidth. Cable system bandwidth capacity can vary based on numerous factors, such as the size, location and age of the system, as well as the technology utilized by the system. See <i>Switched Digital Video</i> .
<b>Basic</b>	The entry level or Tier of cable service, sometimes referred to as “broadcast basic,” that typically is distributed to all video subscribers of a cable system. It usually includes broadcast stations and possibly other channels.
<b>Bright House or BHN</b>	Bright House Networks, LLC, a cable operator and MVPD. BHN is a wholly-owned subsidiary of the Time Warner Entertainment-Advance/Newhouse Partnership.
<b>Cable Show</b>	A cable industry trade show put on and sponsored by the National Cable & Telecommunications Association.
<b>Channel Capacity</b>	The maximum number of programming services that can be simultaneously carried on that portion of a cable system devoted to video distribution.
<b>Channel Line-up</b>	The numerical ordering of a system’s channels ( <i>e.g.</i> , ABC on channel 6, Home Shopping Network on channel 7, township public access channel on channel 8, NBC on channel 9, etc.).
<b>Comcast</b>	Comcast Corporation, a cable operator and MVPD.
<b>Comcast Cable</b>	Comcast Cable Communications, LLC, a wholly-owned subsidiary of Comcast.
<b>Competitive Set</b>	A group of Video Programming Networks that a video programmer views as its closest competitors, or a group of magazines that appeal to the same target audience as the video programmer.
<b>Content Clause</b>	A provision in an Affiliation Agreement that describes the video programming service offered by the Video Programming Network.
<b>COO</b>	Chief Operating Officer
<b>Cox</b>	Cox Communications, Inc., a cable operator and MVPD.

<b>DBS</b>	<i>“Direct Broadcast Satellite”</i> – An MVPD service that transmits video programming from satellites directly to dishes at viewers’ homes.
<b>Demo</b>	<i>“Demographic”</i> – population characteristic ( <i>e.g.</i> , age, gender, income, etc.) used in marketing research and other contexts, such as assessing the composition of the audience for particular programming.
<b>Destination Programming</b>	Specific video programming aired during a particular time slot (typically Prime Time) that is heavily marketed to draw viewers to the channel and that usually contains promotional material intended to increase viewership of other programming that airs on the same channel, but perhaps during other time slots.
<b>Digital</b>	When referring to video transmission over cable systems, video signals encoded into streams of binary electronic “bits,” which are then sent over a cable operator’s distribution network to its digital subscribers. Digital can be converted to analog at the subscriber’s premises. Digital signals are less susceptible to interference during transmission, resulting in higher signal quality and resolution. Digital technology also allows for compression of the video signal so that more channels can be carried in a given amount of bandwidth. Compare <i>Analog</i> .
<b>Digital Basic</b>	The digital level or package of cable television service that is typically received by the largest number of subscribers that sign up for a digital Level of Service. It frequently contains Video Programming Networks that are referred to as “diginets,” that were created specifically with digital distribution in mind, such as the MTV/VH-1 spinoffs ( <i>e.g.</i> , MTV Hits and VH-1 Classic), or Discovery Network’s Planet Green and Discovery Kids. Different MSOs have different names for the Tier, such as Comcast’s “D1.”
<b>Direct Response Advertising</b>	An arrangement whereby the advertiser pays the Video Programming Network, or cable operator or other MVPD, for ads placed on their network or system based on the number of customers who contact the advertiser in response to the ad, the number of units sold, or on some similar basis. Many infomercials are direct response ads. Compare <i>General Market Advertising</i> .
<b>DIRECTV</b>	A DBS MVPD service provided by DIRECTV Group.
<b>DISH Network</b>	A DBS MVPD service provided by Echostar Communications Corp.
<b>Drop Rights</b>	In an Affiliation Agreement between a Video Programming Network and an MVPD, the right of the MVPD to drop the programming network from one or more systems after initial launch. Also referred to as a “Drop Clause” or “Deletion Rights.”

<b>EVP</b>	Executive Vice President
<b>Expanded Basic</b>	The level or package of cable television service that is usually received by the second highest number of subscribers after the Basic Level of Service. It frequently includes Video Programming Networks that are commonly thought of as traditional cable services, such as CNN, MTV and ESPN.
<b>FOD</b>	“Free On Demand” – See <i>Video on Demand</i> .
<b>Founder Deal</b>	An Affiliation Agreement offered by a Video Programming Network at favorable rates, terms or conditions, available to MVPDs that agree to launch the programming network’s service(s) during an initial period.
<b>General Market Advertising</b>	Advertising designed to develop general public awareness of a product or service. Advertisers generally pay MVPDs and Video Programming Networks set fees for the placement of a general market advertisement on the MVPD’s network or the Video Programming Network’s programming. Compare <i>Direct Response Advertising</i> .
<b>Genre</b>	In the context of video programming, a term that describes a program according to its general content, <i>e.g.</i> , sports, lifestyle, documentary, music, , etc.
<b>HD</b>	“High Definition” – Digital transmission of video programming with substantially improved video and audio quality using any of the following formats: 1080p, 1080i, 720p.
<b>HDO</b>	<i>Herring Broadcasting, Inc. d/b/a WealthTV v. Time Warner Cable Inc., et al.</i> , Docket No. MB 08-214, Memorandum Opinion and Hearing Designation Order, 23 FCC Rcd 14787 (Med. Bur. 2008).
<b>HDTV</b>	“High-Definition Television” – A television utilizing technology that provides a finer and wider picture usually with twice as many scanning lines as a standard television. HDTV sets usually have a 16:9 aspect ratio (ratio of width to height of the picture or screen) as compared to the standard television set ratio of 4:3.
<b>Headend</b>	The central signal processing center for a cable system where broadcast and satellite video signals are received, processed and sent out over the cable operator’s distribution network to its subscribers.
<b>Home Page</b>	The main page of an Internet website that typically serves as an index or table of contents to other information and materials available on other pages of the website.

<b>Hunting License</b>	An Affiliation Agreement between a Video Programming Network and an MSO that gives the MSO the right, but not the obligation, to carry the Video Programming Network’s service(s). Hunting licenses establish the basic rates, terms and conditions of carriage by an MSO’s individual cable systems and allow a Video Programming Network to obtain carriage directly from those individual systems that wish to carry it.
<b>iN DEMAND</b>	iN DEMAND, L.L.C., a Video Programming Vendor owned by Comcast iN DEMAND Holdings, Inc.; Cox Communications Holdings, Inc.; and Time Warner Entertainment-Advance/Newhouse Partnership.
<b>INHD</b>	A linear high-definition Video Programming Network owned and launched by iN DEMAND in 2003.
<b>IRD</b>	“ <i>Integrated Receiver/Decoder</i> ” – an electronic device often found at cable system headends and used to receive and decode encrypted programming networks delivered via satellite for distribution to cable subscribers.
<b>IT</b>	“ <i>Information Technology</i> ” – the use of computers, software and the Internet to manage information.
<b>Landing Page</b>	Pages on an Internet website accessible via click-through links from the Home Page of that website.
<b>Launch</b>	When a Video Programming Network first makes its service(s) available to MVPDs for distribution or when an MVPD commences carriage of a particular Video Programming Network.
<b>Launch Support</b>	Also known as “Launch Incentives.” Items offered by a Video Programming Network that are designed to induce an MVPD to launch its programming service(s). Examples include cash, marketing assistance, and discounted license fees or free carriage during early years of carriage.
<b>Level of Service</b>	A combination of cable programming services sold to subscribers at a package price ( <i>e.g.</i> , Basic, Expanded Basic, and Digital Basic Tiers). Used interchangeably with “Tier.”
<b>License Fee</b>	The consideration paid by an MVPD to carry a Video Programming Network’s service(s), often expressed on a per-subscriber basis ( <i>e.g.</i> , x cents per subscriber per month).
<b>Linear</b>	A Video Programming Network whose programming is offered on a fixed schedule established by the network; also referred to as “in pattern.” A programming service can be carried by an MVPD either on a “linear” basis, <i>e.g.</i> , available 24/7 on a specified Tier and channel position, or a “non-linear” basis ( <i>e.g.</i> , VOD).

<b>“Look and Feel”</b>	A qualitative assessment of the essential “personality” of a Video Programming Network as conveyed by its production style ( <i>e.g.</i> , visuals such as lighting, graphics, pace of shots, etc.), on-air personalities ( <i>e.g.</i> , their age, attire, ethnicity, manner of speaking, etc.), background music, tag lines, promos, and other factors that relate to its execution and presentation of a particular subject matter and/or program.
<b>MFN</b>	<i>“Most Favored Nations”</i> – A provision in an Affiliation Agreement that allows an MVPD to receive the most favorable terms and/or conditions offered by the Video Programming Network to another MVPD. MFNs may be restricted to other MVPDs of like size or through other features as negotiated between the parties to the Affiliation Agreement.
<b>MHz</b>	<i>“Megahertz”</i> – A unit of measurement for electromagnetic spectrum or bandwidth.
<b>MOJO</b>	A linear high-definition Video Programming Network owned by iN DEMAND. The network ceased operations on December 1, 2008.
<b>MSO</b>	<i>“Multiple System Operator”</i> – A cable operator that owns or operates multiple cable systems, often in disparate geographic locations. Comcast, Time Warner Cable, Cox, Bright House, Cablevision Systems Corporation, Charter Communications and Insight Communications Company are all “MSOs.”
<b>Must-Carry</b>	Commission rules that require cable operators to carry certain local television broadcast stations under certain circumstances.
<b>MVPD</b>	<i>“Multichannel Video Programming Distributor”</i> – An enterprise that packages and distributes multiple channels of video programming for sale to consumers, regardless of distribution technology. For purposes of the FCC program carriage rules, this term is defined in 47 C.F.R. § 76.1300(d). In addition to the MSOs listed in the MSO definition, other examples of MVPDs include DIRECTV, DISH Network, AT&T U-verse and Verizon FiOS.
<b>Nesting</b>	A video programming strategy whereby a new program or block of programming is placed by a Video Programming Network into a desirable time slot with the goal of building an audience for the program or block of programming.
<b>Net Effective Rate</b>	The total net rate per subscriber that an MVPD pays to a Video Programming Vendor. It may take into account any Launch Support or other adjustments to a network’s license fee, such as volume discounts or tiering penalties.

<b>Niche Programming</b>	Programming of interest to a narrow specialized audience. Examples include foreign language channels, BabyFirstTV and NASA TV.
<b>Off-Network Series</b>	Also referred to as “re-runs;” programming formerly included on the Prime Time line-up of a Video Programming Network, now being syndicated for distribution by other Video Programming Networks.
<b>Pay-Per-View</b>	Usage-based fee structure in which the viewer is charged a price for individual programs, typically movies or special events, requested by the viewer on a discretionary basis. Pay-per-view programs are offered at fixed start times established by the Video Programming Network, as distinguished from VOD, which allows the viewer to start the program at the time of his/her choosing.
<b>Prime Time</b>	In general, the three evening hours (four hours on Sunday) programmed by Video Programming Networks from 8 pm until 11 pm Eastern and Pacific Time and from 7 pm until 10 pm Central and Mountain Time, Monday through Saturday, starting an hour earlier on Sunday.
<b>Program Aggregator</b>	In the video programming context, an entity that aggregates video programming content from a wide array of content providers for distribution on a single source. For example, iN DEMAND aggregates sports and movie content for distribution on a Pay-Per-View basis.
<b>Rate Card</b>	The standard license fee rates offered by a Video Programming Network to MVPDs.
<b>Rebranding</b>	A process by which a Video Programming Network makes changes to its programming content, <i>e.g.</i> , in an effort to achieve greater acceptance and viewership from its preexisting target demographic. Compare <i>Re-launch</i> .
<b>Re-launch</b>	A process by which a Video Programming Network makes changes to its programming content, <i>e.g.</i> , in an effort to significantly alter the network’s preexisting identity or target demographic. Compare <i>Rebranding</i> .
<b>Re-tiering Rights</b>	In an Affiliation Agreement, the right of the MVPD, at its sole discretion, to change the Tier or channel position on which a programming service is distributed to the MVPD’s subscribers. This is also sometimes referred to as “repositioning.”
<b>Retransmission Consent</b>	An option granted to US television broadcast stations as part of the law that granted Must-Carry rights to certain local television broadcast stations. Under Retransmission Consent, a television broadcast station may elect to negotiate with an MVPD for carriage of its broadcast programming.

<b>SD</b>	“ <i>Standard Definition</i> ” – Digital transmission of video programming with video and audio quality generally comparable to traditional analog transmission.
<b>Simulcast</b>	Simultaneous distribution of identical video programming on two or more channels. For example, many Video Programming Networks simulcast their programming with three feeds: analog, standard-definition digital and high definition.
<b>Sizzle Reel</b>	An aggregation of video clips typically used for sales and/or marketing and intended to showcase certain video programming offered by a Video Programming Network.
<b>Skewed</b>	With respect to audience research in the video programming context, a higher concentration in the distribution of members of a viewing audience in a certain demographic as compared to other demographics measured.
<b>Sub</b>	A subscriber or customer of an MVPD.
<b>Switched Digital Video</b>	Technology allowing MVPDs to transmit programming to customers on an as-requested basis (similar to a traditional phone circuit). This technology preserves bandwidth because an MVPD is not delivering all channels to subscribers at the same time.
<b>System or Cable System</b>	The term “Cable System” is defined in the Act (17 U.S.C. § 522(7)) and the FCC rules (17 C.F.R. § 76.5(a)). Cable Systems may range in size from less than 100 subscribers to over one hundred thousand subscribers. As commonly used within the cable industry, the term “System” might refer to facilities that provide cable service within a single community, or to multiple communities that are managed on a common regional or divisional basis. As such, the term “system” may commonly be used in ways that do not precisely match various statutory and regulatory definitions.
<b>Term Sheet</b>	Sometimes referred to as a “Letter of Intent.” A document designed to establish a preliminary agreement on key terms and conditions of a transaction or relationship, typically with the intent to develop the details of the transaction or relationship more thoroughly in a definitive agreement.
<b>The Act</b>	The Communications Act of 1934, as amended, 47 U.S.C. § 151 <i>et seq.</i>
<b>Tier</b>	A combination, or bundle, of cable programming services sold to subscribers at a package price ( <i>e.g.</i> , Basic, Expanded Basic and Digital Basic Tiers). Used interchangeably with “Level of Service.”
<b>Time Warner Cable or TWC</b>	Time Warner Cable Inc., a cable operator and MVPD.

<b>Time Warner Entertainment-Advance/Newhouse Partnership</b>	Also referred to as TWE-A/N – A general partnership whose interests are held by the Time Warner Partners (direct and indirect affiliates of TWC) and Advance/Newhouse (a partnership owned by subsidiaries of Advance Publications, Inc. and Newhouse Broadcasting Corporation). 66 2/3% legal ownership of TWE-A/N is held by the Time Warner Partners and 33 1/3% legal ownership is held by Advance/Newhouse. TWC has 100% beneficial ownership of the TWE-A/N cable systems it manages and BHN has 100% beneficial ownership of the TWE-A/N cable systems it manages.
<b>Transponder</b>	Short for “Transmitter-Responder.” Equipment inside a communications satellite that receives, modulates, and amplifies an uplinked video signal and retransmits it back to earth.
<b>Uplink</b>	To transmit programming to a satellite for relay to earth terminals across the country (v.); also, the antenna and other facilities used for such transmission to a satellite (n.).
<b>Verizon FiOS</b>	An MVPD service provided by Verizon Communications.
<b>Video Programming Network</b>	A branded channel of video programming offered by a Video Programming Vendor for distribution by MVPDs. CNN, MTV and ESPN are examples of Video Programming Networks.
<b>Video Programming Vendor</b>	Has the same meaning as such term is defined under the Act (47 U.S.C. § 536(b)).
<b>VOD</b>	“Video on Demand” – Programming offered on a per program, transactional basis, either with or without a separate per program fee (in this latter case – “Free VOD” or “Free On Demand”). Video on Demand programming typically can be viewed at any time selected by the viewer, often with pause, fast-forward and rewind functionality.
<b>VOOM</b>	A DBS provider launched in 2003. VOOM also served as a platform for a suite of HD Video Programming Networks branded under the same name. When the VOOM DBS service ceased operations in May 2005, the VOOM HD Video Programming Networks continued and were available for distribution on other MVPDs.
<b>VPN</b>	“Virtual Private Network” – Typically refers to a network in which some of the segments are connected using the public Internet, but the data sent across the Internet is encrypted, so the entire network is “virtually” private.
<b>WealthTV</b>	Herring Broadcasting, Inc., d/b/a WealthTV, a Video Programming Vendor not affiliated with Bright House Networks, Comcast, Comcast Cable, Cox, or Time Warner Cable.

## CERTIFICATE OF SERVICE

I, Micah M. Caldwell, hereby certify that, on this 24th day of June, 2009, copies of the foregoing "Glossary" were sent via email, to the following:

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\* Courtesy copy

/s/ Micah M. Caldwell \_\_\_\_\_  
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